

Campo Indian Reservation

Solid Waste Management Code of 1990

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TITLE 1

SHORT TITLE; FINDINGS; DEFINITIONS

Section 101. Short Title. This Code shall be known as the Campo Band of Mission Indians Solid Waste Management Code of 1990 (the “Code”)

Section 102. General Council Findings and Declarations. The General Council finds and declares as follows:

- (a) The increasing volume and variety of solid waste and hazardous material being generated on the Reservation and throughout the State of California and the Often-inadequate existing methods of managing solid waste and hazardous material are creating conditions that threaten the public health, safety, and well-being by contributing to land, air, and water pollution, to the production of flies, rodents, and litter, to the waste of dwindling natural resources, and to the general deterioration of the environment.
- (b) The foregoing situation arises from the interaction of a number of factors, including but not limited to rapid population increase, decentralized urban growth, industrial expansion, agricultural changes, transportation improvements, and technological developments in the manufacturing , packaging, and marketing of consumer products, which collectively are placing planning, economic, and resource base limitations upon the availability of land for solid waste and hazardous material disposal.
- (c) The economic and population growth of the Campo Band and the State of California and the improvements in the standard of living have required increased industrial production and have made necessary the demolition of old buildings, the construction of new buildings, and the provision of highways and other avenues of transportation, which, together with related industrial, commercial, and agricultural operations, have resulted in a rising tide of scrap, discarded, and water material.
- (d) Although land is too valuable a resource to be needlessly polluted, most solid waste is disposed of on land in open dumps and sanitary landfills; open dumping is particularly harmful to health, contaminates drinking water from underground and surface supplies, and pollutes the land, air, and water.
- (e) The continuing concentration of population in expanding metropolitan and other urban areas has presented these communities with serious financial, management, intergovernmental, and technical problems in the disposal of solid waste and hazardous material resulting from the industrial, commercial, domestic, and other activities carried on in such areas.
- (f) As a result of the Clean Air Act (42 U.S. C.A. Sections 7401 et seq.), the Water Pollution Control Act (33 U.S.C.A. Sections 1251 et seq.), and other laws respecting public health

and the environment, greater amounts of solid waste in the form of sludge and other pollution treatment residues have been created. Inadequate and environmentally unsound practices for the disposal or use of solid waste and hazardous material have created greater amounts of soil, air, and water pollution and other problems for public health and the environment. The traditional methods of solid waste and hazardous material management may not meet future requirements for eliminating environmental pollution and conserving natural resources.

- (g) Methods of solid waste management emphasizing source reduction, recovery, and recycling of all solid waste are essential to the long-range preservation of the health, safety, and well-being of the public, to the economic productivity of the Campo Band and the State of California, to the environmental quality of the Reservation and the State of California, and to the conservation of natural resources.
- (h) Disposal of solid waste and hazardous material in or on the land without careful planning and management will present a danger to public health and the environment.
- (i) Millions of tons of recoverable material that could be used are needlessly buried each year. Methods are available to separate recoverable material from solid waste. The recovery and conservation of such material can produce numerous benefits to the Campo Band, the State of California, and the United States.
- (j) The State of California is rapidly losing its ability safely and economically to manage the solid waste it generates each year. Expansion of existing sanitary landfills and the establishment of new ones close to solid waste generation sources is becoming increasingly difficult due to local citizen opposition.
- (k) Significant savings could be realized by, conserving material in order to reduce the volume or quantity of material that ultimately becomes solid waste. Solid waste contains valuable energy and material resources that can be recovered and used, thereby conserving increasingly scarce and expensive fossil fuels and virgin materials. The recovery of energy and material from solid waste and the conservation of energy and materials contributing to municipal solid waste streams can have the effect of reducing the volume of the municipal solid waste streams and the burden of disposing of increasing volumes of solid waste. The technology to conserve resources and to recover energy and materials from solid waste exists and is commercially feasible to apply.
- (l) The long-term protection of land, air, and water from pollution due to the handling, treatment, composting, and disposal of solid waste is best achieved by requiring financial assurances of the closure and postclosure maintenance of solid waste facilities.
- (m) It is in the public interest to establish and maintain a comprehensive Tribal solid waste management policy, the objectives of which will be to manage and control solid waste and to prohibit the introduction of hazardous material into the Reservation in order to protect the public health, safety, and well-being, to preserve the environment, and to provide for the maximum reuse of the resources contained in solid waste.

Section 103. Prohibition of Hazardous Material. In order to protect the limited land, air, and water resources of the Reservation from irremediable hazardous pollution and to protect the health, safety, and welfare of all residents of the Reservation and surrounding communities; receiving, handling, treatment, composting, or disposal of hazardous material is expressly prohibited within the exterior boundaries of the Reservation, except that CEPA may permit the establishment of a program for the collection, storage, transfer, transportation, and disposal off the Reservation of Hazardous Material from residences on the Reservation, subject to such conditions as CEPA may impose.

Section 104. Prohibition on Disposal in Open dumps. In order to protect the limited land, air, and water resources of the Reservation from irremediable hazardous pollution and to protect the health, safety, and welfare of all residents of the Reservations and surrounding communities, disposal of solid waste in any open dump is expressly prohibited within the exterior boundaries of the Reservation.

Section 105. Definitions. Unless otherwise provided, the following definitions shall apply throughout this Code:

- (a) “BIA” means United States of America, Department of the Interior, Bureau of Indian Affairs.
- (b) “Campo Band” means the Campo Band of Mission Indians, a federally recognized Indian tribal government.
- (c) “CEPA” means the Campo Environmental Protection Agency.
- (d) “Closure” means the termination of the receiving, handling, treatment, composting, or disposal of solid waste at a solid waste facility, and includes all operations necessary to prepare the facility for post-closure maintenance.
- (e) “Collection” means the art of collecting solid waste or hazardous material at the place of generation by an approved collection agent and does not mean removal.
- (f) “Composting” means the controlled microbial-degradation of organic solid waste yielding a safe and nuisance free product.
- (g) “Construction” means the erection or building of new structures or the acquisition, replacement, expansion, remodeling, alteration, modernization, or extension of existing structures.
- (h) “Disposal” means the discharge, abandonment, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any soil, air, or water.
- (i) Disposal facility” means a facility permitted to receive and dispose of solid waste. It does

not include a facility the principal function of which is handling, treatment, or composting of manure or other solid waste not intended for disposal.

- (j) “Energy recovery” means the production of energy or energy resources from the handling or disposal of solid waste.
- (k) “Enforcement program” means the rules, regulations and procedures adopted by CEPA to enforce this Code
- (l) “General Council” means the governing body of the Campo Band of Mission Indians.
- (m) “Handling” means collection, transportation, storage, transfer, or processing.
- (n) “Hazard” includes any condition, practice, or procedure that is or may be dangerous, harmful, or perilous to individuals, property, the natural environment, or the general public.
- (o) “Hazardous material” means any substance, material, smoke, gas, particulate matter, or combination thereof that:
 - (1) Because of its quantity, concentration, or physical, chemical, or infectious characteristics, may-either cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health, living organisms, or the environment when improperly handled, treated, composted, or disposed of;
 - (2) Is defined to be hazardous or toxic by the comprehensive Environmental Response, Compensation, and liability Act of 1980 or the Resource Conservation and Recovery Act of 1976, as either act may be amended from time to time, and by any regulations promulgated thereunder, including but not limited to any substance, material, smoke, gas, particulate matter, or combination thereof containing asbestos, petroleum or its byproducts, or polychlorobiphenyls (“PCBS”); or
 - (3) is hazardous, toxic, ignitable, reactive, or corrosive, and that is defined and regulated as such by CEPA, the State of California, or the United States of America.
- (p) “Implementation schedule” means a schedule that indicates approximate dates for the orderly, timely implementation of Plan policies and programs, and includes approximate dates for the establishment, expansion, and closure of any solid waste facility identified and reserved in the Plan.
- (q) “Open dump” means any facility or site at which solid waste or hazardous material is disposed of in a manner that does not protect the environment, is susceptible to open burning, or is exposed to the elements, vectors, and scavengers, and which is not a solid waste facility.

- (r) “Operator” means the person to whom the approval to operate a solid waste facility or collection system is granted.
- (s) “Permittee” means a person, including but not limited to an operator, authorized and permitted to operate a solid waste facility under this Code.
- (t) “Person” means an individual, trust, firm, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (u) “Plan” means the Solid Waste Management Plan.
- (v) “Pollution” the condition caused by the presence in or on soil, air, or water of any solid waste, hazardous material, or substance derived therefrom in such quantity, of such nature and duration, or under such condition that the quality, appearance, or usefulness of the soil, air or water is significantly degraded or adversely altered.
- (w) “Post-closure maintenance” means all activities undertaken at a closed solid waste facility, to maintain the integrity of containment features and to monitor compliance with applicable performance standards.
- (x) “Processing” means the reduction, separation, recovery, conversion, or recycling of solid waste or hazardous material.
- (y) “Recoverable” means the capability and likelihood of a material or byproduct being recovered from solid waste for a commercial or industrial use.
- (z) “Recovered material” means material and byproducts that have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from and commonly reused within an original manufacturing process.
- (aa) “Recycling” means the process of sorting, cleansing, treating, and reconstituting solid waste or other discarded material in order to prepare the altered form for use.
- (bb) “Removal” means the act of taking solid waste or hazardous material from the place of generation.
- (cc) “Reservation” means the Campo Indian Reservation.
- (dd) “Recovery” means the recovery of material, byproducts, or energy from solid waste.
- (ee) “Resource recovery system” means a solid waste management system that provides for collection, separation, recycling, and recovery of solid waste, including disposal of nonrecoverable waste residue.
- (ff) “Sanitary landfill” means a disposal facility employing a method of disposing of solid

waste on land, without creating nuisances or hazards to public health or safety, by using methods to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover material at specific designated intervals.

(gg) “Segregated from the waste material” means any of the following:

- (1) the placement of recyclable materials in separate containers,
- (2) the binding of recyclable materials separately from the other solid waste, or
- (3) the physical separation of recyclable material from other solid waste.

(hh) “Solid waste” means all putrescible and nonputrescible solid, semisolid, and liquid waste, including but not limited to garbage, trash, refuse, paper, rubbish, ashes, industrial waste, construction and demolition waste, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid waste, other discarded solid liquid, and semisolid waste from a wastewater treatment plan,, water supply treatment plant, or air pollution control facility, or other discarded gaseous material resulting from industrial, commercial, mining, or agricultural operations, or community activities; but not including hazardous material; solid or dissolved material in domestic sewage; solid or dissolved material in irrigation return flows; industrial discharges that are point sources subject to permits under 33 U.S.C. Section 1342; or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. Sections 2011 et seq.

(ii) “solid waste facility” means a disposal facility; a transfer/processing station; a composting facility; any resource recovery system or component thereof; any system, program, or facility for resource conservation; and any facility for the handling, treatment, composting or disposal of solid waste; whether such facility is associated with facilities generating such solid waste or otherwise.

(ii) “Solid waste management” means a planned program for effectively controlling the generation, handling, treatment, composting and disposal of solid waste in a safe, sanitary, aesthetically acceptable, and environmentally sound manner.

(kk) “solid Waste Management Plan” or “Plan” means the comprehensive plan for solid waste handling, treatment, composting, and disposal within the Reservation, and prepared by CEPA pursuant to this Code.

(ll) “Transfer/processing station” means a facility, used to receive, temporarily store, process, or transfer solid waste directly from smaller to larger vehicles for transport.
“Transfer/processing station” does not include:

(1) A facility the principal function of which is to receive, handle, process, treat, or compost manure in accordance with Tribal minimum standards;

- (2) A facility the principal function of which is to receive or handle solid waste that has already been separated for reuse and is not intended for disposal; or
- (3) The operations premises of a duly licensed solid waste collection operator who handles solid waste as an activity incidental to the conduct of a refuse collection and disposal business.
- (mm) “Treatment” means any method, technique, or process designed or intended to change the physical, chemical, or biological characteristics of solid waste or hazardous material to render it less harmful to the quality of the soil, air, and water; safer to handle; or easier to contain, manage, or use as fuel, nutrient, soil amendment, or other additive.
- (nn) “Tribe” means the Campo Band of Mission Indians, and “Tribal” refers to such Tribe.
- (oo) “Vector” means any insect, anthropod, rodent, or other animal capable of transmitting a pathogen from one organism to another or of disrupting the normal enjoyment of life by adversely affecting the public health and well-being.

106. Severability. If any provision of this code or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or applications of this Code that can be given effect without the invalid provision or application thereof, and to this end the provisions of this Code are severable.